

MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
JANUARY 6, 2009

MEMBERS PRESENT: Richard Girouard, Chairman
John Doris
Andrew Lubin
Arlyne Fox
John Lauria
Kevin Chamberlain

ALSO PRESENT: Stephen Savarese, PE, LS Town Engineer
Neil Lieberthal, Esq., Town of Trumbull Attorney

The Chair convened the meeting at 7:30 p.m.
Arlyne Fox led the Commission in the Pledge of Allegiance.
John Doris read the public hearing notice.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Inland Wetlands and Watercourses Commission of the Town of Trumbull will hold a Public Hearing on Tuesday, January 6, 2009, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following applications:

Application 08-35 – Krzystof Zera. Permit approval to construct dwelling and filling in a regulated area at 225 Booth Hill Road.

Application 08-40 – Joseph A. Monaco/Agent for Mary Nikola and Robert Langhammer. Permit approval to clean out drainage trench in a regulated area at 34 Seneca Drive and 37 Seneca Drive.

A copy of the applications and maps are on file for public inspection in the Town Engineer's Office, Town Hall, Trumbull, Connecticut.

Dated at Trumbull, Connecticut this 5th day of December, 2008.
Richard H. Girouard, Sr., Chairman, Inland Wetlands and Watercourses Commission of the Town of Trumbull

Public Hearing:

The Chairman opened the public hearing at 7:35 p.m.

Application 08-35 – Krzystof Zera. Permit approval to construct dwelling and filling in a regulated area at 225 Booth Hill Road. Paul Bombero from Bombero Associates was present for the applicant. He presented Alternate C and stated they would be filling 4800 square feet of wetlands. It was pointed out that there is no roof detention guide on the plan and Mr. Bombero stated they will be retaining the water in the wetlands with minimal impact and not using detention but would put in galleys if required. It is a 1 acre zone and the lot is 86 hundreds of an acre and the plan is for a three bedroom ranch. They are proposing to fill from the road to the house so it will be about four feet above the road and take out a couple dozen trees. The runoff into the wetlands is minimal and a wall will be put up and there will be no impact past the wall. Alternate B has 5700 square feet of fill or about 1000 cubic yards – Alternate C has 4800 square feet of fill or about 700 cubic yards. Discussion took place regarding the wetland corridor and drainage in the area.

James M. McManus, certified professional soil scientist/wetland scientist from JMM Wetland Consulting Services of Newtown. He reviewed the site and assessed the wetlands on October 17, 2008 for the applicant. He highlighted his report dated November 3, 2008 and stated the site is wooded swamp and is seasonally saturated/flooded to semi-permanently flooded with organic and mineral soils and is very poorly drained. He stated the wetland is moderate in

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function and value because most of the wetland has been filled with landscape debris, trash and is surrounded by roads and development. There are three pipes that discharge into it and because the wetland is organic it can handle nutrients. This alternative has the least amount of impact and the house is positioned in "the most disturbed part of the onsite wetland." There is a less disturbed area behind the house and the indirect impact is low and there will be no adverse impact to the overall wetlands.

Mr. Bombero stated they addressed the significant impact portion of the application to accommodate sections 7.6a through q. Sewers are proposed for Booth Hill Road and they would hook up to the sewers. Currently there are no easements over the pipes that are on the property – they are willing to put drainage easements over the pipes for Town access. He reiterated the basement would be above the existing ground water.

Steve Savarese addressed Jim McManus and the functions of the wetlands, wildlife and ecology were discussed. The majority of the wetland system is still going to be intact and the house will be in the most disturbed area of the wetland area. He believes alternate C will have minimal or no impact on the ecologic function of this wetland body and the entire site could have been wetlands at one point.

Steve Savarese also commented on Bruce Bombero's runoff calculation report dated 11/2/2008 and the plan's erosion control standards. Discussion took place regarding road elevations, house style, footprint and distance from street line. Mr. McManus stated this proposal is environmentally sensitive and able to achieve the project objectives and this is the best alternative. Mr. Bombero stated this is an existing Town lot and was not developed off a larger piece or part of another development.

The Chairman asked if anyone from the public wished to speak.

Pauline Young, was raised at 240 Booth Hill Road and now lives at 230 Booth Hill Road. Her property is across the street and she stated this parcel has always been very wet and previous owners were not able to build on it. She also discussed easements on the property, her property, and in the area. She said a lot of water is pumped into the land and the water is not going to go away and the lot is not a building lot and other owners have not been able to get a building permit.

Robert Sisson, 98 Old Dike Road, president of Pinewood Lake Association - concerned with any development that has the impact to change the amount of water flow or sedimentation into Pinewood Lake. If the Commission grants this application he wants to make sure Pinewood Lake is protected and there is no increase in water flow during storms and any remediation is maintained.

08-40 – Joe Monaco/Agent for Mary Nikola and Robert Langhammer. Permit approval to clean out drainage trench in a regulated area at 34 Seneca Drive and 37 Seneca Drive. Joe Monaco, Jr. of Monaco Excavation, 156 Cross Hill Road, Monroe was present. The drainage trench between the two properties needs to be cleaned out and the dead trees need to be removed. The trench has a lot of accumulated gravel, leaves, sand and silt and once that is cleaned up the ground area should dry up. On the plan about 50 feet from "finish" there is a huge gap that has been eroding – they plan to make it consistent to the rip rap channel. In the concave area under the waterfall they can put cages with stone under the pipe as tight as possible to the wall to stabilize the bank. This could be made part of the application if the Commission requests it. There will be no water problem in the backyard and it will drain when the trench is corrected.

The Chairman asked if anyone from the public wished to speak. No one came forward.

Motion made (Fox) seconded (Lauria) to close the public hearing. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

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The Chairman closed the Public Hearing at 8:30 p.m.
The Chairman opened new business at 8:30 p.m.

08-39 – Danny M. Corica. Permit approval to replace dock on Pinewood Lake and repair lawn in a regulated area at 82 Old Dike Road. The applicant was present and stated a tree fell and knocked the dock out. He has already replaced the dock because he had to do the work while the water was down. He put hay down and now needs to repair the lawn. The dock is the same square footage as the old dock with a different configuration. Motion made (Fox) seconded (Doris) to RECEIVE Application 08-39. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

09-01 – Edward and Renee Neiger. Permit approval to construct 36'x24' addition and patio; landscape area and remove and plant trees in a regulated area at 4797 Madison Avenue. The applicants were present and stated they had a previous application for remediation and drainage and they are now putting on an addition to their house under this application. All work from the previous application has been done and the drainage should be sufficient for the remediation for the roof and patio. They will do additional plantings to help with the infiltration process. The house was built in 1955 and has a full basement - the addition will also have a full basement. Discussion regarding the water course and impervious surfaces' proper drainage and runoff took place. Motion made (Fox) seconded (Doris) to RECEIVE Application 09-01. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lauria) to table Regulations application 08-23 (Town of Trumbull) because of inclement weather. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lubin) to close new business. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The Chairman closed new business at 8:55 p.m.

Work Session:

After discussion and review, the Commission took action as follows:

Discussion took place regarding putting Application 08-35 over because of the weather until the next work session. A work session will be set up prior to the next meeting to discuss 08-35 and old business.

Motion made (Fox) seconded (Doris) to table the work session on Application 08-35 (Zera) until the next work session. Discussion. ALL IN FAVOR MOTION CARRIED UNANIMOUSLY.

08-40 – Joseph A. Monaco/Agent for Mary Nikola and Robert Langhammer. Permit approval to clean out drainage trench in a regulated area at 34 Seneca Drive and 37 Seneca Drive.

Motion made (Lubin) seconded (Fox), to APPROVE Application 08-40, as submitted, with the addition of the oral amendment to the application as stated at the hearing, subject to the General Conditions as established by the Commission and the following specific condition:

- Ø Headwater of the stream stabilization per direction of the Town Engineer;
- Ø Erosion controls to be implemented in accordance with the general conditions;
- Ø Notification to the Town 48 hours prior to commencement. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

08-39 – Danny M. Corica. Permit approval to replace dock on Pinewood Lake and repair lawn in a regulated area at 82 Old Dike Road. Motion made (Fox) seconded (Chamberlain), to APPROVE Application 08-39, as submitted,

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subject to the General Conditions as established by the Commission. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

09-01 – Edward and Renee Neiger. Permit approval to construct 35'x24' addition and patio; landscape area and remove and plant trees in a regulated area at 4797 Madison Avenue.

Motion made (Lubin) seconded (Fox), to APPROVE Application 09-01, as submitted, subject to the General conditions as established by the Commission and the following specific conditions:

- Ø Erosion controls to be implemented in accordance with the general conditions;
- Ø Notification to the Town 48 hours prior to commencement;
- Ø Compliance with the Town of Trumbull's Stormwater Management Policy.

Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Application 08-23 – Town of Trumbull. Up-date Regulations. The application was not received by the Commission and no action was taken.

Motion made (Doris) seconded (Lucas) to postpone receiving application 08-23 (Town of Trumbull) to the next scheduled meeting. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The Chairman addressed a letter that was sent to each Commissioner regarding Hidden Pond. After discussion it was determined that this letter could not be read into the record because the Public Hearing is closed.

08-27 - Molnar, 127 Aspen Lane - it was decided to discuss the application in this work session. Present were a quorum of Commissioners that walked the site and listened to the presentation. Steve Savarese recapped the application, the original complaint received, the cease and desist order, and the applicant's experts and presentation. The subject of this application is a conservation easement that was placed by the Wetlands Commission. The choices to deal with this situation are: Do nothing with the conservation easement; allow for an alternation of the easement with equal areas; or just leave it as is and allow breach; or change the conservation easement to reflect where it is now. The second issue is wetlands mitigation - they are proposing creating 1840 square feet of wetlands. Another question - will the remediation plan cause more damage than its worth? Another option is to respect the original subdivision approval and remove all fill and mitigate to the original state prior to subdivision.

Motion made (Lubin) seconded (Doris) to approve Application 08-27 (Molnar), subject to:

- Ø Permit the conservation easement revisions;
- Ø Require the mitigation as proposed by the applicant as stated on the restoration plan dated October 9, 2008;
- Ø Split rail fence is also required along the entire length of the newly configured easement.

Discussion. MOTION DID NOT CARRY – DENIED – 1 in favor (Lubin) and 4 against (Fox, Lauria, Doris, Girouard).

Motion made (Lauria) seconded (Fox) to APPROVE Application 08-27 (Molnar) subject to the General Conditions as established by the Commission and the following specific conditions:

- Ø To re-adjust the conservation easement line as shown on the map prepared for Scott Molnar dated October 10, 2008;
- Ø Work that has been done is to be left alone;
- Ø Split rail fence from the south property line to the north property line;
- Ø No mitigation to be done on the site;
- Ø No additional fill to be used on the site;
- Ø Four bird houses;
- Ø A copy of this Commission's decision, together with a copy of the map prepared for Scott Molnar dated October 10, 2008 are to be recorded on the Trumbull Land Records.

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Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Motion made (Girouard) seconded (Fox) to APPROVE meeting minutes dated December 2, 2008 and site walk minutes dated December 17, 2008. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Field Inspection:

No field inspections were scheduled.

Correspondence:

No discussion on correspondence.

Motion made (Lubin) seconded (Doris) to adjourn at 9:50 p.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

BY: _____
Joyce Augustinsky, Clerk